



David T. Rankin  
Senior General Attorney

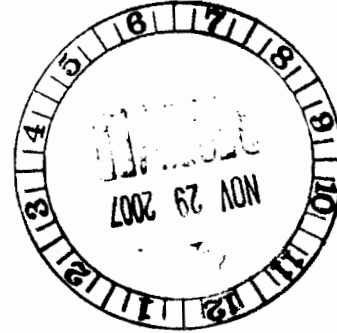
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**BNSF Railway Company**  
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**VIA UPS OVERNIGHT MAIL**

November 28, 2007

The Honorable Vernon A. Williams, Secretary  
Surface Transportation Board  
395 E Street S.W.  
Washington DC 20423-0001



**Re: Surface Transportation Board Docket No. AB-6 (Sub-No. 450X); BNSF  
Railway Company - Abandonment Exemption - in Clay County, Missouri**

Dear Secretary Williams:

Please refer to the STB decision served on September 13, 2007, in the above-referenced docket. Pursuant to the Condition requiring BNSF to retain its interest in the line until completion of the Section 106 process, we previously forwarded to you a copy of the historic survey for the above-referenced line. This document was submitted to the Missouri State Historic Preservation Office (SHPO) for their concurrence. Accordingly, the SHPO has forwarded its approval of the determination of **no historic properties affected** (see attached letter dated November 14, 2007).

Therefore, BNSF requests that the Section 106 condition of the National Historic Preservation Act, 16 U.S.C. 470f, be removed.

If you have any questions, please call me at (817) 352-2383.

Sincerely,

David T. Rankin  
Senior General Attorney

DTR/js

cc: Victoria Rutson, STB  
Mark Miles, SHPO  
Susan Odom  
John Sims

STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES

Matt Blunt, Governor • Doyle Childers, Director

www.dnr.mo.gov

November 14, 2007

Jake P. DeBoever  
BNSF Railway Company  
P.O. Box 961039  
Fort Worth, Texas 76161-0039



REC'D. LAW DEPT.

NOV 19 2007

FORT WORTH

Re: BNSF Line Segment 0018 North of Kearney (STB) Clay County, Missouri

Dear Mr. DeBoever:

Thank you for submitting information on the above referenced project for our review pursuant to Section 106 of the National Historic Preservation Act (P.L. 89-665, as amended) and the Advisory Council on Historic Preservation's regulation 36 CFR Part 800, which requires identification and evaluation of cultural resources.

We have reviewed the November 2007 report entitled *Cultural Resource Investigations, Phase I Survey, BNSF Line Segment 0018 North of Kearney, Clay County, Missouri* by the Environmental Research Center of Missouri, Inc. Based on this review it is evident that a thorough and adequate cultural resources survey has been conducted of the project area. We concur with the investigator's recommendation that 23CL418 is not eligible for inclusion in the National Register of Historic Places and that there will be **no historic properties affected**. We have no objection to the initiation of project activities.

Please be advised that, should project plans change, information documenting the revisions should be submitted to this office for further review. In the event that cultural materials are encountered during project activities, all construction should be halted, and this office notified as soon as possible in order to determine the appropriate course of action.

If you have any questions, please write Judith Deel at State Historic Preservation Office, P.O. Box 176, Jefferson City, Missouri 65102 or call 573/751-7862. Please be sure to include the SHPO Log Number **(041-CL-07)** on all future correspondence or inquiries relating to this project.

Sincerely,

STATE HISTORIC PRESERVATION OFFICE

Mark A. Miles  
Director and Deputy  
State Historic Preservation Officer

MAM:jd

c Craig Sturdevant, ERC